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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. CALIFORNIA

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA
SUSAN AND JEFFREY ROCKE, **CV 13 2951** Case No.
Plaintiffs,
vs.
PEBBLE BEACH COMPANY,
Defendants.

COMPLAINT FOR DAMAGES
JURY TRIAL DEMANDED

I. THE PARTIES

1. Plaintiffs, Susan and Jeffrey Rocke are citizens of the Commonwealth of Pennsylvania residing at all times material hereto at 1 Quail Drive South, Phoenixville, Pennsylvania.

2. Defendant, Pebble Beach Company (hereinafter "Pebble Beach") is a corporation organized and existing pursuant to the laws of the State of California with a principal place of business located at 2700 Seventeen Mile Drive, Pebble Beach, California.

3. At all times material hereto, Pebble Beach acted by and through the

1 actions of its agents, servants and employees, who were acting within the course and
2 scope of their employment with Pebble Beach.

3 4. At all times material hereto, Pebble Beach was and is in the business of
4 operating a luxury golf and spa resort known as The Lodge Pebble Beach.

5 **II. JURISDICTION AND VENUE**

6 5. Jurisdiction over this controversy is invoked as Plaintiffs and Defendant
7 are citizens of different states and the amount in controversy exceeds the sum of
8 \$75,000.

9 6. Venue is proper in this district in that Defendant maintains its principal
10 place of business in the State of California.

11 **III. FACTUAL ALLEGATIONS**

12 7. On September 3, 2011, Plaintiffs were guests at The Lodge Pebble
13 Beach.

14 8. On September 3, 2011, Plaintiff Susan Rocke was in the process of going
15 for a massage in the spa at The Lodge Pebble Beach at the direction of a Pebble Beach
16 Spa employee.

17 9. As she walked towards the spa in spa slippers supplied to plaintiff by
18 defendant's personnel, Susan Rocke tripped on a threshold and fell injuring her head
19 after striking her head on a nearby post.

20 10. At the time of the aforesaid accident, the threshold was elevated and
21 constituted a hidden and concealed dangerous condition that was not open and
22 obvious to Susan Rocke.

23 11. At the time of the aforesaid accident, there were no mats or other
24 protective devices on the threshold.

25 12. Prior to September 3, 2011, Defendant was on notice of this dangerous
26 condition existing in the spa and failed to provide mats or other protective devices for
27 the safety of its guests and also failed to warn its guests, including Plaintiffs herein, of

1 the dangerous condition existing in the spa facilities.

2 13. The aforesaid accident was a direct and proximate result of the
3 negligence, gross negligence and carelessness of the Defendant acting by and through
4 its agents, servants and/or employees including, but not limited to, the following:

5 (a) having the threshold elevated to the point where it became a "fall or trip
6 hazard";
7 (b) failing to use protective mats or other devices to prevent guests from
8 slipping and falling on the threshold;
9 (c) failing to insure that the threshold complied with the California Building
10 Code;
11 (d) failing to take appropriate measures to prevent its guests from walking onto
12 floor areas which were dangerous and were without necessary and
13 appropriate safety devices to prevent guests from tripping;
14 (e) allowing a hidden and concealed dangerous condition to exist at its
15 premises;
16 (f) failing to properly direct and supervise its employees to ensure that
17 appropriate measures were being taken and appropriate warnings provided to
18 prevent its guests from tripping and falling;
19 (g) deliberately choosing to place an elevated threshold on the floor in the spa
20 area when Defendant knew that it posed a serious risk of injury to its guests;
21 and
22 (h) in such other ways as may be proven from facts now exclusively in the
23 possession of Defendant which may be ascertained after the filing of this
24 Complaint.

COUNT I

Susan Rocke v. Pebble Beach Company

14. Plaintiffs incorporate the allegations set forth in paragraphs 1 through 13 above as though each were fully and completely set forth at length herein.

15. As a direct and proximate result of the foregoing negligence and carelessness of the Defendant, Susan Rocke suffered serious injuries including, but not limited to, a concussion caused by a severe trauma.

16. As a direct and proximate result of the foregoing negligence and

1 carelessness of Defendant, Susan Rocke has been and will be obligated to receive and
2 undergo medical attention and care including rehabilitation to treat the injuries she
3 sustained in the fall and has been required to undergo extensive testing and treatment.

4 17. As a direct and proximate result of the foregoing negligence and
5 carelessness of Defendant, Susan Rocke has incurred and may in the future incur
6 expenses for the treatment of the injuries she sustained in the accident.

7 18. As a direct and proximate result of the foregoing negligence and
8 carelessness of defendant, Susan Rocke has sustained and may in the future sustain a
9 loss of earnings and/or earning power.

10 19. As a direct and proximate result of the foregoing negligence and
11 carelessness of Defendant, Susan Rocke has suffered physical pain, mental anguish,
12 personal trauma, humiliation and a loss of life's pleasures and may continue to suffer
13 the same for an indefinite period of time in the future.

14 WHEREFORE, Plaintiff, Susan Rocke hereby demands judgment in her favor
15 and against Defendant in an amount in excess of \$75,000.00, together with interest,
16 costs of suit and such other and further relief as this Court may deem appropriate.

17 **COUNT II**

18 **Jeffrey Rocke v. Pebble Beach Company**

19 20. Plaintiff, Jeffrey Rocke, hereby incorporates the allegations set forth in
20 paragraphs 1 through 19 above as though each were fully and completely set forth at
21 length herein.

22 21. At all times material hereto, Susan Rocke and Jeffrey Rocke were and are
23 husband and wife.

24 22. As a direct result of the negligence and carelessness of Defendant, Jeffrey
25 Rocke has been deprived of the services, companionship and consortium of his wife.

26 WHEREFORE, Plaintiff, Jeffrey Rocke hereby demands judgment in his favor
27 and against Defendant in an amount in excess of \$75,000.00, together with interest,

1 costs of suit and such other and further relief as this Court may deem appropriate.

2
3 DATED: June 24, 2013

COZEN O'CONNOR

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DEMAND FOR A JURY TRIAL

12 Plaintiffs hereby demand a trial by jury.

13 DATED: June 24, 2013

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18 Attorneys for Plaintiffs
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